

THURSDAY, FEBRUARY 20, 2003

**NINTH LEGISLATIVE DAY**

**CALL TO ORDER**

The Senate met at 9:00 a.m., and was called to order by Mr. Speaker Wilder.

**PRAYER**

The proceedings were opened with prayer by the Reverend Jerry Mayo of the First United Methodist Church in Murfreesboro, Tennessee, a guest of Senator Ketron.

**PLEDGE OF ALLEGIANCE**

Senator Graves led the Senate in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The roll call was taken with the following results:

Present . . . . . 33

Senators present were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--33.

**INTRODUCTION OF BILLS**

The Speaker announced that the following bills were filed for introduction and passed first consideration:

**Senate Bill No. 1721** by Senator Clabough.

Hotels and Restaurants -- Requires vacation lodging services to be registered with division of consumer affairs in Department of Commerce and Insurance; establishes requirements and duties for vacation lodging services. Amends TCA Title 47, Chapter 18 and Title 62, Chapter 13.

**Senate Bill No. 1722** by Senator Kurita.

Adoption -- Allows participants in relative caregiver program standing to file petition to terminate parental rights and to request termination of parental rights. Amends TCA Title 36, Chapter 1.

**Senate Bill No. 1723** by Senator Graves.

Westmoreland -- Subject to local approval, changes town election from December to November. Amends Chapter 306 of the Private Acts of 1951; as amended.

**Senate Bill No. 1724** by Senator Crutchfield.

Remedies and Special Proceedings -- Allows judge to approve settlement of tort claim involving minor by relying on affidavit from legal guardian. Amends TCA Title 29.

**Senate Bill No. 1725** by Senator Crutchfield.

Child Custody and Support -- Allows court discretion to offer individual who fails to comply with order or decree of child support and maintenance alternative punishment of removing litter or working in recycling center. Amends TCA Title 36, Chapter 5, Part 1.

**Senate Bill No. 1726** by Senator Ford.

Taxes, Excise -- Clarifies that "family-owned" in excise tax exemption for family-owned non-corporate entity means direct or indirect 95 percent ownership. Amends TCA Section 67-4-2008 and Section 67-4-2105.

**Senate Bill No. 1727** by Senator Burks.

Utilities, Utility Districts -- Upon adoption of resolution by two-thirds vote of county legislative body, and as vacancies occur or terms expire, authorizes county executive to appoint commissioners to gas utility district whose principal office and service area are in Cumberland County. Amends TCA Section 7-82-307.

**Senate Bill No. 1728** by Senators Williams and Ketron.

Codes -- Establishes procedures for issuance of administrative inspection warrant authorizing building official to inspect named premises to determine whether violation of any state law or local building, fire, or life safety code is occurring. Amends TCA Title 68, Chapter 120, Part 1.

**Senate Bill No. 1729** by Senator Trail.

Taxes, Excise -- Allows general partner of partnership to claim jobs tax credit for jobs created in Tennessee under certain conditions. Amends TCA Title 67.

**Senate Bill No. 1730** by Senator Graves.

Taxes, Sales -- Exempts from sales and use tax motor vehicle sold and registered in this state to Tennessee resident who is member of uniformed service. Amends TCA Section 67-6-303.

**Senate Bill No. 1731** by Senator Kurita.

Historical Sites and Preservation -- Prohibits smoking in any building designated as national historic landmark by U.S. Department of Interior owned by state or which receives state appropriations. Amends TCA Title 4, Chapter 11 and Title 4, Chapter 8.

**Senate Bill No. 1732** by Senator Crutchfield.

Radio and Television -- Directs property transferred to not-for-profit corporation for operation of WTCI in Chattanooga revert in ownership to Tennessee board of regents if such not-for-profit corporation determines to no longer utilize such property for purpose of operating WTCI at that location. Amends TCA Title 49, Chapter 50, Part 9.

**Senate Bill No. 1733** by Senator McNally.

Education, Higher -- Requires Hepatitis A and B vaccinations for students at four-year and two-year institutions of higher education. Amends TCA Title 49, Chapter 7, Part 1.

**HOUSE BILLS ON FIRST CONSIDERATION**

The Speaker announced that the following House Bills were transmitted to the Senate and passed first consideration:

**House Bill No. 459** -- Johnson County -- Subject to local approval, clarifies that Mountain Ridge Protection Act does not prohibit construction and maintenance of apparatus used in generation and transmission of electrical power. Amends Chapter 197 of the Private Acts of 1996.

**House Bill No. 471** -- Marshall County -- Subject to local approval, revises hotel/motel tax to designate trustee as collection agent instead of county clerk. Amends Chapter 30 of the Private Acts of 1993.

### **SENATE BILLS ON SECOND CONSIDERATION**

The Speaker announced that the following bills passed second consideration and were referred to the appropriate committee:

**Senate Bill No. 1711** referred to Committee on State and Local Government.

**Senate Bill No. 1712** referred to Committee on Judiciary.

**Senate Bill No. 1713** referred to Committee on Commerce, Labor and Agriculture.

**Senate Bill No. 1714** referred to Committee on Finance, Ways and Means.

**Senate Bill No. 1715** referred to Committee on Finance, Ways and Means.

**Senate Bill No. 1716** referred to Committee on Commerce, Labor and Agriculture.

**Senate Bill No. 1717** referred to Committee on Transportation.

**Senate Bill No. 1718** referred to Committee on Finance, Ways and Means.

**Senate Bill No. 1719** referred to Committee on Judiciary.

**Senate Bill No. 1720** referred to Committee on Judiciary.

### **INTRODUCTION OF RESOLUTIONS**

The Speaker announced the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

**Senate Joint Resolution No. 103** by Senator Clabough.  
Memorials, Public Service -- Courtney Campbell, 2003 Distinguished Finalist, Prudential Spirit of Community Awards.

**Senate Joint Resolution No. 104** by Senator Kurita.  
Naming and Designating -- May 2003, "Motorcycle Awareness Month".

**Senate Joint Resolution No. 105** by Senators McLeary and Williams.  
Memorials, Public Service -- Senator Bobby Carter.

**Senate Joint Resolution No. 106** by Senators Ketron and Henry.  
Memorials, Death -- John R. Lunn, Sr.

**Senate Joint Resolution No. 107** by Senator Crutchfield.

General Assembly, Joint Conventions -- Calls joint convention to hear from a representative of the Georgia Lottery, February 26, 2003, 3:00 p.m. (CST).

**Senate Joint Resolution No. 108** by Senators Herron, Cooper, Williams, Miller, Dixon, Fowler, Trail and Haynes.

Memorials, Public Service -- Auction of Senator Curtis Person with proceeds easing state budget deficit.

**Senate Joint Resolution No. 109** by Senator McNally.

Memorials, Public Service -- Oak Ridge National Laboratory.

**Senate Joint Resolution No. 110** by Senator McNally.

Memorials, Congratulations -- Cassandra Cardoza, 2003 Distinguished Finalist, Prudential Spirit of Community Award.

**RESOLUTIONS LYING OVER**

**House Joint Resolution No. 68** -- Memorials, Public Service -- Dee Reid.

The Speaker announced that he had referred House Joint Resolution No. 68 to Committee on Calendar.

**House Joint Resolution No. 69** -- Memorials, Death -- Michael C. White.

The Speaker announced that he had referred House Joint Resolution No. 69 to Committee on Calendar.

**House Joint Resolution No. 70** -- Memorials, Personal Occasion -- Mr. and Mrs. Kenneth Broyles, 50th wedding anniversary.

The Speaker announced that he had referred House Joint Resolution No. 70 to Committee on Calendar.

**House Joint Resolution No. 71** -- Memorials, Professional Achievement -- Harvey Burniston, Jr.

The Speaker announced that he had referred House Joint Resolution No. 71 to Committee on Calendar.

**House Joint Resolution No. 72** -- Memorials, Personal Achievement -- Melissa Burniston, FFA National Champion in Diversified Horticulture Proficiency.

The Speaker announced that he had referred House Joint Resolution No. 72 to Committee on Calendar.

**House Joint Resolution No. 73** -- Memorials, Death -- Stephen Phelps.

The Speaker announced that he had referred House Joint Resolution No. 73 to Committee on Calendar.

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**House Joint Resolution No. 76** -- Memorials, Personal Achievement -- Jonathan Lewis Moss, Eagle Scout.

The Speaker announced that he had referred House Joint Resolution No. 76 to Committee on Calendar.

**House Joint Resolution No. 83** -- General Assembly, Joint Conventions -- Budget address by Governor Bredesen, March 10, 2003.

The Speaker announced that he had referred House Joint Resolution No. 83 to Committee on Calendar.

**Senate Resolution No. 7** -- General Assembly, Review or Ratification of Rules -- Approves amendments to Tennessee rules of criminal procedure promulgated by supreme court.

The Speaker announced that he had referred Senate Resolution No. 7 to Committee on Judiciary.

**Senate Resolution No. 8** -- General Assembly, Review or Ratification of Rules -- Approves amendments to Tennessee rules of civil procedure promulgated by supreme court.

The Speaker announced that he had referred Senate Resolution No. 8 to Committee on Judiciary.

**Senate Resolution No. 9** -- General Assembly, Review or Ratification of Rules -- Approves amendments to Tennessee rules of appellate procedure promulgated by supreme court.

The Speaker announced that he had referred Senate Resolution No. 9 to Committee on Judiciary.

**Senate Resolution No. 10** -- General Assembly, Review or Ratification of Rules -- Approves amendments to Tennessee rules of evidence promulgated by supreme court.

The Speaker announced that he had referred Senate Resolution No. 10 to Committee on Judiciary.

**Senate Resolution No. 11** -- Memorials, Death -- Carson Brewer.

The Speaker announced that he had referred Senate Resolution No. 11 to Committee on Calendar.

**Senate Joint Resolution No. 96** -- Memorials, Public Service -- Willie Green, Citizen of the Year.

The Speaker announced that he had referred Senate Joint Resolution No. 96 to Committee on Calendar.

**Senate Joint Resolution No. 97** -- Memorials, Death -- Letha Ottinger Kilgore.

The Speaker announced that he had referred Senate Joint Resolution No. 97 to Committee on Calendar.

**Senate Joint Resolution No. 98** -- Memorials, Death -- Sherry Wolfe.

The Speaker announced that he had referred Senate Joint Resolution No. 98 to Committee on Calendar.

**Senate Joint Resolution No. 99** -- Memorials, Congratulations -- Watauga Masonic Lodge, 100th anniversary.

The Speaker announced that he had referred Senate Joint Resolution No. 99 to Committee on Calendar.

**Senate Joint Resolution No. 100** -- Memorials, Recognition -- Tennessee Gospel Quartet Convention, deceased gospel singers and pioneering quartets.

The Speaker announced that he had referred Senate Joint Resolution No. 100 to Committee on Calendar.

**Senate Joint Resolution No. 102** Memorials, Congratulations -- Emmie Granbery, 2003 Prudential Spirit of Community Award winner.

The Speaker announced that he had referred Senate Joint Resolution No. 102 to Committee on Calendar.

**MOTION**

Senator Burks moved that the rules be suspended for the immediate consideration of **Senate Bill No. 325**, out of order, which motion prevailed.

**Senate Bill No. 325** -- Putnam County -- Subject to local approval, increases hotel/motel tax from 5 percent to 6 percent with proceeds from additional 1 percent to be used for recreational facilities operation, development and capital improvements. Amends Chapter 118 of the Private Acts of 1979.

On motion of Senator Burks, the rules were suspended for the immediate consideration of the bill.

**Senate Bill No. 325** passed its third and final consideration by the following vote:

Ayes .....	30
Noes .....	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kurita, McLeary, McNally, Miller, Person, Ramsey, Trail, Walker, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

**MOTION**

Senator Herron moved that the rules be suspended for the immediate consideration of **Senate Joint Resolution No. 108**, out of order, which motion prevailed.

**RESOLUTION LYING OVER**

**Senate Joint Resolution No. 108** -- Memorials, Public Service -- Auction of Senator Curtis Person with proceeds easing state budget deficit.

On motion of Senator Herron, the rules were suspended for the immediate consideration of the resolution.

Senator Cohen declared Rule 13 on **Senate Joint Resolution No. 108**.

Senator Herron moved for the previous question on **Senate Joint Resolution No. 108**, which motion prevailed.

Thereupon, **Senate Joint Resolution No. 108** was adopted by the following vote:

Ayes . . . . . 24  
Noes . . . . . 9

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cooper, Crutchfield, Dixon, Ford, Fowler, Haynes, Herron, Jackson, Ketron, Kurita, Kyle, McLeary, Norris, Ramsey, Southerland, Trail, Walker and Williams--24.

Senators voting no were: Cohen, Crowe, Graves, Harper, Henry, McNally, Miller, Person and Mr. Speaker Wilder--9.

A motion to reconsider was tabled.

**MOTION**

Senator Crutchfield moved that the proposed schedule for the week of February 24, 2003, be adopted and made the action of the Senate, which motion prevailed by the following vote:

Ayes . . . . . 33  
Noes . . . . . 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--33.

**TENNESSEE STATE SENATE  
103rd GENERAL ASSEMBLY**

**PROPOSED SCHEDULE  
FOR THE WEEK OF FEBRUARY 24, 2003**

**MONDAY -- February 24**

5:00 p.m.

Session -- Senate Chamber

**THURSDAY, FEBRUARY 20, 2003 -- 9TH LEGISLATIVE DAY**

**TUESDAY – February 25**

8:30 a.m. – 10:30 a.m.	Finance, Ways & Means Committee
10:30 a.m. – 12:30 p.m.	State & Local Government Committee
12:30 p.m. – 1:30 p.m.	Lunch
1:30 p.m. – 3:30 p.m.	Commerce, Labor & Agriculture Committee
3:30 p.m. – 5:30 p.m.	Judiciary Committee

**WEDNESDAY – February 26**

8:30 a.m. – 9:30 a.m.	Education Committee
9:30 a.m. – 10:30 a.m.	General Welfare, Health & Human Resources
10:30 a.m. – 12:00 noon	Environment, Conservation & Tourism Committee
12:00 noon – 12:30 p.m.	Lunch
12:30 p.m. – 2:30 p.m.	Government Operations Committee
2:30 p.m.	Session – Senate Chamber
3:00 p.m.	Joint Convention – House Chamber

**THURSDAY – February 27**

9:00 a.m.	Session – Senate Chamber
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**OTHER MEETINGS:**

Monday, February 24, 2003 – Council on Pensions & Insurance  
1:30 p.m. – Room 29 LP

Monday, February 24, 2003 – TennCare Oversight Committee  
3:00 p.m. – Room 12/14 LP

Wednesday, February 26, 2003 – Study Committee on Predatory Lending  
4:30 p.m. – Room 12/14 LP

**NOTES:**

Pursuant to Senate Rule 27, cut-off date for nine bill limit –  
Close of business February 24, 2003

**MOTION**

Senator Crutchfield moved that the rules be suspended for the immediate consideration of **Senate Joint Resolution No. 107**, out of order, which motion prevailed.

**RESOLUTION LYING OVER**

**Senate Joint Resolution No. 107** -- General Assembly, Joint Conventions -- Calls joint convention to hear from representative of Georgia Lottery, February 26, 2003, 3:00 p.m. (CST).

On motion of Senator Crutchfield, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 107** was adopted by the following vote:



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Ayes . . . . . 29  
Noes . . . . . 0  
Present, not voting . . . 3

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Haynes, Jackson, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker and Williams--29.

Senators present and not voting were: Henry, Herron and Mr. Speaker Wilder--3.

A motion to reconsider was tabled.

**MOTION**

Senator Kyle moved all bills relative to 501(c)(3) be held on desk until report from Committee on Rules is filed, which motion prevailed.

**MOTION**

On motion of Senator Atchley, his name was added as sponsor of **Senate Bill No. 38**.

On motion of Senator Fowler, his name was added as prime sponsor of **Senate Bill No. 1720**.

On motion, all Senators' names were added as sponsors of **Senate Joint Resolution No. 108**.

**RECALL OF BILL**

On motion of Senator Burks, **Senate Bill No. 475** was recalled from the Committee on Judiciary.

**WITHDRAWAL OF BILL**

On motion of Senator Burks, Senate Bill No. 475 was withdrawn from the Senate.

**MESSAGE FROM THE HOUSE**

February 20, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 77, 78, 79, 80, 84, 85 and 86; adopted, for the Senate's action.

BURNEY T. DURHAM,  
Chief Clerk.

**ENGROSSED BILLS**

February 20, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Joint Resolution No. 107, and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,  
Chief Engrossing Clerk.

**ENGROSSED BILLS**

February 20, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Joint Resolution No. 108, and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,  
Chief Engrossing Clerk.

**ENGROSSED BILLS**

February 20, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bill No. 325, and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,  
Chief Engrossing Clerk.

**MESSAGE FROM THE HOUSE**

February 20, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 79, amended and concurred in by the House.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

February 20, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 53, 61, 72, 73, 74, 75, 77, 78 and 101; concurred in by the House.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

February 20, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 423, 458, 460, 463, 464, 473 and 489; passed by the House.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

February 20, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 44, 45, 46, 47, 49, 50 and 81; for the signature of the Speaker.

BURNEY T. DURHAM,  
Chief Clerk.

**ENROLLED BILLS**

February 20, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Joint Resolutions Nos. 53, 61, 72, 73, 74, 75, 77, 78 and 101; and find same correctly enrolled and ready for the signatures of the Speakers.

PATRICK W. MERKEL,  
Chief Engrossing Clerk.

**ENROLLED BILLS**

February 20, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Joint Resolutions Nos. 62, 63, 65, 66, 68, 69 and 70; and find same correctly enrolled and ready for the signatures of the Speakers.

PATRICK W. MERKEL,  
Chief Engrossing Clerk.

**SIGNED**

February 20, 2003

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 44, 45, 46, 47, 49, 50 and 81.

**SIGNED**

February 20, 2003

The Speaker announced that he had signed the following: Senate Joint Resolutions Nos. 53, 61, 72, 73, 74, 75, 77, 78 and 101.

**MESSAGE FROM THE HOUSE**

February 20, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 53, 61, 72, 73, 74, 75, 77, 78 and 101; signed by the Speaker.

BURNEY T. DURHAM,  
Chief Clerk.

**SIGNED**

February 20, 2003

The Speaker announced that he had signed the following: Senate Joint Resolutions Nos. 62, 63, 65, 66, 68, 69 and 70.

**MESSAGE FROM THE HOUSE**

February 20, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 62, 63, 65, 66, 68, 69 and 70; signed by the Speaker.

BURNEY T. DURHAM,  
Chief Clerk.

**THURSDAY, FEBRUARY 20, 2003 -- 9TH LEGISLATIVE DAY**

**REPORT OF CHIEF ENGROSSING CLERK**

February 20, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolutions Nos. 53, 61, 72, 73, 74, 75, 77, 78 and 101; for his action.

PATRICK W. MERKEL,  
Chief Engrossing Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**

February 20, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolutions Nos. 62, 63, 65, 66, 68, 69 and 70; for his action.

PATRICK W. MERKEL,  
Chief Engrossing Clerk.

**MESSAGE FROM THE GOVERNOR**

February 20, 2003

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Joint Resolutions Nos. 47, 49, 51, 54, 55, 58 and 80; with his approval.

ROBERT E. COOPER, JR.,  
Counsel to the Governor.

**REPORT OF COMMITTEE ON CALENDAR  
CONSENT CALENDAR**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, February 24, 2003: House Joint Resolutions Nos. 52, 53, 54, 55, 56, 57, 60, 65, 67, 68, 69, 70, 71, 72, 73 and 76; Senate Joint Resolutions Nos. 23, 85, 86, 87, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100 and 102; and Senate Resolutions Nos. 4, 5 and 11.

This the 20th day of February, 2003.  
CROWE, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, February 24, 2003: Senate Bills Nos. 15, 36, 39, 87, 134, 154, 169 and 187.

This the 20th day of February, 2003.  
CROWE, Chairperson.

**THURSDAY, FEBRUARY 20, 2003 -- 9TH LEGISLATIVE DAY**

**SENATE  
MESSAGE CALENDAR**

Pursuant to Rule 44, notice has been given on the following bill and it has been set on the Message Calendar for Monday, February 24, 2003: Senate Bill No. 79.

**ADJOURNMENT**

Senator Crutchfield moved the Senate adjourn until 5:00 p.m., Monday, February 24, 2003, which motion prevailed.